

PROPOSED APPROACH FOR EARLY ACTION REVIEWS

Appendix B of the Final Interim Plan, also included on the following pages, describes the Delta Stewardship Council's (Council) staff analysis and recommendations for how to handle early action measures, which will become part of the Interim Plan, or in some cases be recommended for inclusion in the Delta Plan.

The combined number of early actions identified by legislation, plus those proposed by stakeholders, totals to over 100 programs and plans to review and consider. The suggestions cover a wide range of ideas. Some require new legislation to implement, some are already being developed and many require additional evaluation.

Given the amount of work required to review these early action items, staff suggests that the Council approve the formation of a committee of two members to publicly review early actions and suggest recommendations to the Council. The committee could meet two days a week during the months of September, October and November to review all projects. All meetings of the committee will be public.

Within one week of the Council's conceptual approval of this approach, the following actions would occur:

- Detailed letters would be sent from the committee to the responsible agency or sponsor, outlining the details required for consideration of their proposal and providing a tentative date for a hearing.
- When the required information is received, Council staff would prepare a short summary of each proposed action.
- The committee would gather information, take public comment and make a decision on each proposal. If project proponents do not desire to move forward, projects would not be considered for inclusion in the Interim Plan but could come back to the Council at some later time. It is anticipated that the committee would make one of the following recommendations: 1. No action at this time. 2. Additional information is needed. 3. Recommend incorporating the project into the Interim Plan (citing policy objectives advanced). 4. Recommend the project not be incorporated into the Interim Plan (citing policy objectives harmed or in conflict), or 5. Recommend modification of the project. These projects or programs could then be incorporated into the Interim Plan or referred for possible consideration as the Delta Plan is developed.

This process would allow the Council to focus on long-term planning and at the same time considering ongoing programs that could become part of the Interim Plan and Delta Plan.

Appendix B. Early Action Review Processes and Plan or Project Review Application

B.1 Early Action Review Processes

Possible early actions should be considered under the framework of the adopted Interim Plan.

Priority for consideration should be given to early actions identified in SBX7 1 Part 2. "Early Actions" in Water Code sections 85080 through 85087 could be considered in September 2010.

Other possible early actions, including those recommended through public comments, should be screened against the legislative history criteria of urgency stated above. Those satisfying this screen could be considered in October and November 2010. Proposals received after November 1, 2010, may not be considered as "early actions."

The Council should establish a two-member "early actions" committee to review identified possible early actions and make recommendations to the full Council (under Wat. Code § 85210(k)).

The Council committee should review possible early actions as identified and on the schedule in its work plan.

The early actions committee should consider possible early actions in public meetings, and should develop an agenda with designated time limits to ensure completing the reviews in the time allotted.

To promote efficient review of potential early actions, project proponents are strongly encouraged to complete the "Plan or project review application" (adopted by the council August 2010) and submit it to the council staff no less than thirty days (30) days before the committee meeting at which the item is scheduled, except that potential early actions scheduled for consideration in September 2010 may submit these materials no less twenty (20) days before the committee meeting at which the item is scheduled. If an application is deemed incomplete, the item will be removed from the agenda and may be rescheduled at the discretion of the council committee.

To promote efficient review of potential early actions, project proponents are strongly encouraged to submit materials electronically and also to deliver ten (10) hard copies to the Council offices. Applications and related materials will be posted to the Council website.

Public comments on the application will be invited, with a deadline of ten (10) days before the scheduled committee hearing, and those comments will be posted to the Council website.

Each application would be reviewed by Council staff or consultants, and a brief cover memo prepared identifying issues of particular relevance.

Each application should be reviewed by the Delta Science Program staff to identify the adequacy of scientific information available to support a committee recommendation and Council action using the standard of "best available science" required in statute and specified in the Interim Plan. If they judge the available scientific information inadequate, they may make a recommendation for any needed

FINAL DRAFT INTERIM PLAN – AUGUST 16, 2010

1 additional scientific information. The committee would consider the Delta Science Program staff
2 comments in making its recommendation to the full Council.

3 The committee could make one of the following recommendations on possible early actions, conveying
4 its recommendation to the full Council in a brief report:

5 **No action at this time** (because _____)

6 **Additional information is needed** (and the item is rescheduled for _____, possibly not as an “early
7 action”)

8 **Recommend the Council provide a positive recommendation (citing policy objectives advanced**
9 _____)

10 **Recommend the Council provide a negative recommendation (citing policy objectives harmed or in**
11 **conflict** _____)

12 **Recommend modifications to proposal as follows** (_____)

13 **Refer for consideration under the Delta Plan** (_____)

14

B.2. Application Form for Consideration of a Plan or Project

The Delta Reform Act creates the Delta Stewardship Council (Council) as an independent agency of the state (Wat. Code §85200). SBX7 1 (effective February 3, 2010) gives the Council several responsibilities, many linked to a comprehensive “Delta Plan,” which the Council is charged to develop, adopt, and commence implementation of by January 1, 2012. The Council is also charged with developing an Interim Plan “...that includes recommendations for early actions, projects, and programs” (Wat. Code § 85084). The Council has set August 27, 2010, as the date for adoption of the Interim Plan. The Council uses the framework established in the Interim Plan to make recommendations based on its responsibilities under SBX7 1. After the Delta Plan is adopted, the Council decisions will become determinative.

1. Applicant Information

Request: Consideration as an early action: _____

Consultation re plan: _____

Consultation re: possible covered action: _____

Other (please specify): _____

Name: _____

Legal status (city, special district, firm, individual, etc.): _____

Address of applicant: _____

Contact information: Name of responsible individual: _____

Role (officer, attorney, etc.): _____

Address: _____

Email: _____

Telephone: _____

Plan or project purpose narrative, including legal authority. If an action is “urgent,” provide the rationale for urgency.

1 _____
2 _____
3 **Plan or project physical location and description (include geo-referencing latitude and longitude for**
4 **projects):**
5 _____
6 _____

2. Plan or Project Review by Public Agencies

Local Government Discretionary Approval(s):

Yes _____ No _____ If yes, describe: _____

State Lands Commission:

Yes _____ No _____

Regional Water Quality Control Board:

Yes _____ No _____ Regional Board Number: _____

California Dept. of Toxic Substances Control:

Yes _____ No _____

California Department of Fish and Game Streambed Alteration Permit:

Yes _____ No _____

DF&G Take Authorization:

Yes _____ No _____

Other DF&G Permit:

Yes _____ No _____

U.S. Army Corps of Engineers:

Yes _____ No _____ Public Notice Number: _____

U.S. Fish and Wildlife Service: Take Authorization

Yes _____ No _____

Biological Opinion:

Yes _____ No _____

NOAA Fisheries Service: Take Authorization

Yes _____ No _____

Biological Opinion

Yes _____ No _____

U.S. Coast Guard:

Yes _____ No _____

Federal Funding:

Yes _____ No _____

Describe any history of consideration by any other governmental agency and provide documentation of any actions taken.

3. Environmental Impact Documentation (must be completed by all applicants)

a. Is the project statutorily or categorically exempt from the need to prepare any environmental documentation?

Yes _____ No _____

If “Yes,” please attach a statement that identifies and supports this statutory or categorical exemption.

b. Has a government agency other than the Council, serving as the lead agency, adopted a negative declaration or certified an environmental impact report or environmental impact statement on the project?

Yes _____ No _____

If “Yes,” attach a copy of the document. If the environmental impact report or statement is longer than ten pages, also provide a summary of up to ten pages. If “No,” provide sufficient information to allow the Council to make the necessary findings regarding all applicable policies. The certified document must be submitted prior to action on the application.

4. Assessment against Delta Reform Act Policy Objectives

Assess the proposed plan or project against the eight policy objectives listed below which “the legislature declares are inherent in the coequal goals for management of the Delta” (WC Section 85020).

FINAL DRAFT INTERIM PLAN – AUGUST 16, 2010

Provide a brief summary for the rationale for each assessment and reference to any supporting documentation (include URL links as appropriate).

(a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(d) Promote statewide water conservation, water use efficiency, and sustainable water use.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(f) Improve the water conveyance system and expand statewide water storage.

Positive ____ Negative ____ Neutral ____ Unknown ____

Rationale, magnitude of effect (if positive or negative) and documentation:

(g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.

Positive _____ Negative _____ Neutral _____ Unknown _____

Rationale, magnitude of effect (if positive or negative) and documentation:

(h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Positive _____ Negative _____ Neutral _____ Unknown _____

Rationale, magnitude of effect (if positive or negative) and documentation:

5. Assessment of Administration and Implementation Processes

Cost of Project/Plan: Please provide your best estimate of the total cost of the project or plan you are proposing. If this is a Plan, please provide an estimate of the annual operational or enforcement costs projected for the activity. Please list all sources used for developing the cost estimates

Financing (provide information on public and private sources of funding, including funds on hand or legally pledged or obligated and the sources of those funds):

Identify any public agencies (federal, state and local) whose actions or decisions are essential for the proposed action to succeed. Provide evidence of their approval and support of the proposed action:

If real property must be acquired or use altered for the success of the proposed action, identify the owners of that property and information on how ownership or use change will occur:

Provide a time line for the proposed plan or project, including major milestones through completion:

1 **Describe how success or failure of the plan or project will be determined, including measures**
2 **proposed, time frame and public agency responsible for judging success:**

3 _____
4 _____

5 **Describe the major benefits that can result from the proposed plan or project, including identification**
6 **of beneficiaries and any information on the magnitude and timing of benefits received:**

7 _____
8 _____

9 **If the proposed plan or project fails, what is done? What additional costs could be incurred and how**
10 **will they be financed? Identify any lasting effects or changed options for future policy making:**

11 _____
12 _____

13
14 **6. Scientific justification (to address requirement for Council**
15 **use best available science, Water Code section 85302(g)):**

16 **Describe any scientific justification for the proposed plan or project and provide all related**
17 **documents:**

18 _____
19 _____
20 _____
21 _____
22 _____

23
24 **7. Applicant certifications and authorizations**

25 I certify that all of the information submitted is complete and accurate to the best of my knowledge and
26 that all attached exhibits are full, complete and correct. I certify that I understand that omitted or
27 insufficient information can delay consideration of this application. I certify that this application is not
28 complete until accepted by the Council at a regularly scheduled meeting. I authorize the Council, its staff
29 or other authorized personnel to share this information publicly and authorize their collection of
30 additional information relevant to this application.

31 _____

32 Signature of applicant or applicant's representative Date

33 Printed name: _____ Title: _____